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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,539	03/19/2002	Veikko Kankaanpaa	540-016.2	6927

4955 7590 07/13/2006

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EXAMINER

FORTUNA, JOSE A

ART UNIT PAPER NUMBER

1731

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 and 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.
3. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "a method for dispersing pulp," and the claim also recites "specially pulp containing waste paper" which is the narrower statement of the range/limitation.

A broad range or limitation followed by linking terms (e.g., preferably, maybe, for instance, especially) and a narrow range or limitation within the broad range or limitation is

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considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

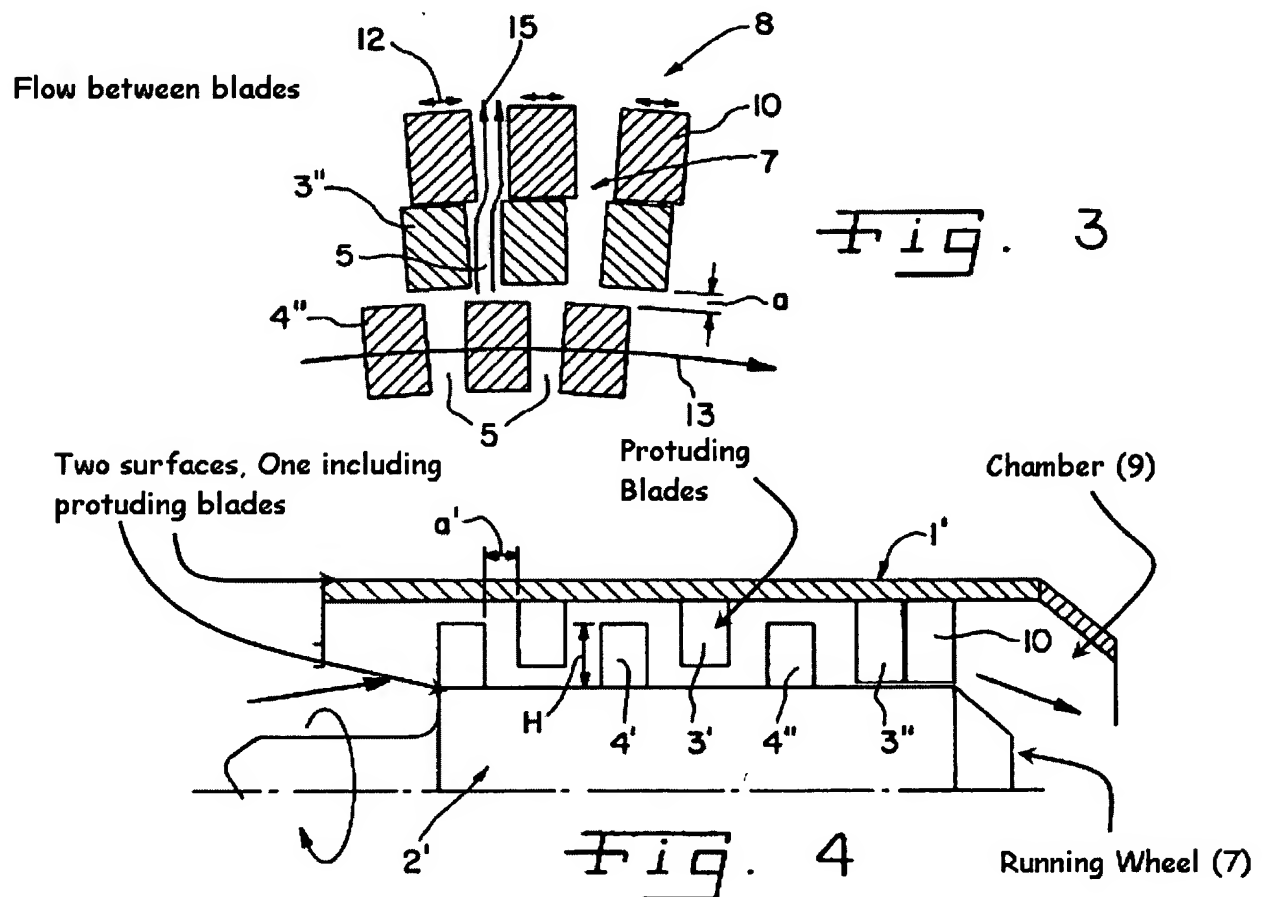
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneid et al., US Patent No. 5,730,376 in view of Schneid, US Patent No. 6,363,601.

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Schneid et al. teach a method of dispersing pulp containing solid material and a liquid phase in a dispersing device (Figures 1, 4) wherein the dispersing takes place in a narrow opening (a) between rotating protruding blades having conical surfaces (3 3', 3'') and (4, 4' 4'') on the rotor (2) and stator (1). Figure 4 shows a running wheel, which would rotate the blades and acts as a pump to pump the dispersed material out of the dispersing device, see below.



Note that the running wheel protrudes within the outlet chamber; see figures above.

Schneid et al. are silent with respect to the conical section of the disperser. However, Schneid teaches in column 1, lines 34 to 47, that it is common to use coned-shaped disperser to

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disperse high to medium consistency pulps. Therefore, to make the disperser of Schneid et al. a cone-shaped structure would have been obvious to one of ordinary skill in the art.

8. Claims 4-7 and 17- 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneid et al. in view of Schneid as applied to claim 1 above, and further in view of Kurtz, US Patent No. 6,419,786

Kurtz teaches adding dilution fluid to the periphery of the dispersing device through conduit (31) and other conduits not shown. It is well known in pulp handling to use dilution water to aid in the pumping of the pulp to bring the pulp to a pumpable consistency. It would have been obvious to one of ordinary skill in the art to use dilution conduits as taught by Kurtz to bring the pulp to a pumpable level in the disperser of Schneid et al.

Response to Arguments

9. Applicant's arguments with respect to claims 1-7 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

The only difference between the inventions seems to be the conical shape of the surfaces, but as explained above, this would have been obvious to one of ordinary skill in the art.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in the art of "Method of Dispersing a Pulp."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


José A Fortuna
Primary Examiner
Art Unit 1731

JAF